

STATE OF INDIANA)
) SS:
COUNTY OF DUBOIS)

IN THE DUBOIS CIRCUIT AND SUPERIOR COURTS

IN THE MATTER OF THE)
APPOINTMENT OF A)
SPECIAL JUDGE IN)
CIVIL MATTERS)

AMENDED COURT ORDER

Pursuant to Indiana Trial Rule 79(H), the Dubois Circuit Court and the Dubois Superior Court hereby adopt the following local rule for the appointment of a special judge in all cases where a special judge is required under Trial Rule 76 and Trial Rule 79(C), which rule shall be effective as of this date.

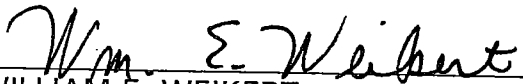
1. In the event a special judge must be appointed under Trial Rule 79(H), one of the following judges who have agreed to serve as a special judge in the Dubois Circuit Court and Dubois Superior Court shall be appointed, to-wit:

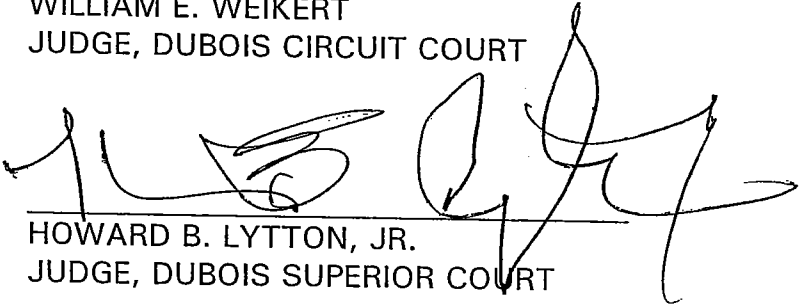
Judge James McEntarfer (Perry Circuit Court)
Judge Wayne Roell (Spencer Circuit Court)
Judge Lee F. Baker (Pike Circuit Court)
Judge R. Joseph Howell (Martin Circuit Court)
Judge Robert Arthur (Daviess Circuit Court)
Judge Dean Sobecki (Daviess Superior Court)
Judge David Kelley (Warrick Circuit Court)
Judge Keith Meier (Warrick Superior Court)

2. The Dubois Circuit Court and Dubois Superior Court shall alternately select the judge to be appointed, on a rotating basis, from the above list of judges; each judge shall be appointed on an equal number of cases.

3. If no judge specified under this rule is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the case shall be certified to the Indiana Supreme Court for appointment of a special judge. (Trial Rule 79(H)(3))

SO ORDERED by the Dubois Circuit Court and Dubois Superior Court this 16th day of April, 2003.


WILLIAM E. WEIKERT
JUDGE, DUBOIS CIRCUIT COURT


HOWARD B. LYTTON, JR.
JUDGE, DUBOIS SUPERIOR COURT

LOCAL RULES FOR DUBOIS CIRCUIT AND SUPERIOR COURTS
Pursuant to Indiana Rules of Criminal Procedure
2.2, 12 and 13, Effective July 1, 1995

Pursuant to current policy, all cases which involve juveniles, domestic violence, and check deception shall be filed in Dubois Circuit Court. All cases involving traffic-related offenses, conservation violations, and all alcohol-related offenses shall be filed in Dubois Superior Court.

In addition, beginning July 1, 1995, the following categories of charges shall be filed in the Dubois Circuit Court and Dubois Superior Court respectively:

DUBOIS CIRCUIT COURT

Homicide
Mischief
Burglary
Trespass
Forgery
Battery
Kidnapping
Sex Crimes
Robbery
Crimes Against
 Public Administration
Bribery and Other Official
 Misconduct
Perjury
Interference With
 Governmental Operations
Article 46 - Miscellaneous
 Offenses
Weapons and Violence

DUBOIS SUPERIOR COURT

Arson
Theft
Home Improvement Fraud
Offenses Against Public
 Health, Order and Decency
Public Order
Communications
Pollution
Public Indecency
Prostitution
Gambling
Racketeering
Loansharking
Gang Control
Stalking
Controlled Substances
Obscenity and Pornography

In the event of dismissal and refiling of a criminal case, it shall be refiled in the same court in which it was originally filed.

MEMORANDUM

TO: Members of Dubois County Bar Association
FROM: Judge William E. Weikert
DATE: July 17, 2002
RE: Summary of Local Rules

The following is a summary of local rules adopted in recent years by Circuit Court:

1. Standing Contested Hearing Order of October 12, 1998 (see attached Exhibit A, consisting of five pages). This addresses division of assets and debts in dissolutions only.
2. That standing order has been amended as follows: (see attached Exhibit B). This addresses division of assets and debts, and contested issues of custody and visitation in dissolutions only.
3. Effective immediately, the Court had adopted the following local rule (see attached Exhibit C). This addresses issues of custody and visitation in new paternity cases, and petitions to modify custody/visitation in paternity and dissolutions.

(The Court's local rule adopted October 12, 1998, regarding the Court's visitation schedule has been replaced by the Supreme Court Parenting Time guidelines adopted December, 2000).

STANDING ORDER FOR CONTESTED HEARING

The parties shall file (in typewritten pleading form) and exchange the following items on or before five (5) days prior to the date of the hearing:

1. A list of all properties, real or personal, at the time of separation, along with the parties' own valuation of each item. The party shall designate the items the party wants and the items proposed to go to the other party.
2. All debts of the marriage, the balance owed thereon, the amount of periodic payments, name of creditor, and statement of who is liable on the debt. The party shall designate the debts the party proposes to assume and the debts proposed to be assumed by the other party.
3. A brief explanation of any matters or special circumstances that will clarify issues before the Court.

These items shall also be furnished to any mediator involved at least five (5) days prior to the date of mediation.

In the event either of the parties fails to file and exchange the above-described pleading and information five days prior to the date of hearing, the Court may at its own discretion decide whether the cause shall be heard on the scheduled date, continue the same to a more appropriate date, or impose any other sanction which the Court deems appropriate.

IT IS SO ORDERED this 12th day of October, 1998.

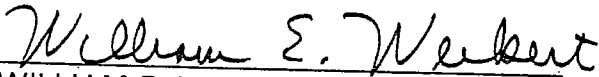

WILLIAM E. WEIKERT
JUDGE, DUBOIS CIRCUIT COURT

EXHIBIT A

EXHIBIT A

LIST OF MARITAL ASSETS, VALUES, DEBTS

Wife (Proposed Owner)

	Asset	Fair Market Value	Debt	Net Value
1.				
2.				
3.				
4.				
5.				
6.				

EXHIBIT B

LIST OF MARITAL ASSETS, VALUES, DEBTS

Husband (Proposed Owner)

	Asset	Fair Market Value	Debt	Net Value
1.				
2.				
3.				
4.				
5.				
6.				

EXHIBIT C

LIST OF DEBTS
(Contracted by Husband)

To Whom Owed:	Amount Owed:	To be paid by H or W:
1.		
2.		
3.		

LIST OF DEBTS
(Contracted by Wife)

To Whom Owed:	Amount Owed:	To be paid by H or W:
1.		
2.		
3.		

LIST OF DEBTS
(Contracted Jointly by Husband and Wife)

To Whom Owed:	Amount Owed:	To be paid by H or W:
1.		
2.		
3.		

EXHIBIT D

STATEMENT OF SPECIAL CIRCUMSTANCES

(This should be in summary form and should emphasize your position regarding any contested issues.)

MEMORANDUM

TO: Local Attorneys
FROM: Judge Weikert, Dubois Circuit Court
DATE: July 17, 2002
RE: Contested Issues in Final Hearings in Dissolutions

The Court has amended its previous order regarding final hearings and issues involving custody, visitation, and division of assets and debts.

The following will apply as to the above:

The parties are reminded that if the final hearing will involve issues of division of assets and debts, that pursuant to the Court's Standing Order for Contested Hearing adopted October 12, 1998, the parties are to file with the Court, and exchange five (5) days prior to the final hearing, all exhibits as required by said order. It is further ordered that if the net assets of the parties exceed \$200,000, that prior to the final hearing, the parties shall be required to participate in mediation regarding the division of assets and debts; and the Court further orders that if there are contested issues involving custody and/or visitation, that the parties shall inform the Court no later than thirty (30) days prior to the hearing date.

This was later amended -

EXHIBIT B

100,000

MEMORANDUM

TO: Local Attorneys
FROM: Judge Weikert, Dubois Circuit Court
DATE: July 17, 2002

The Court has adopted the following local rule:

1. For all new paternity cases and all petitions to modify custody/visitation in paternity cases or dissolutions, if there are contested issues involving custody and/or visitation, the parties shall inform the Court no later than thirty (30) days prior to the hearing date.

(The rationale for this rule is that the Court intends to make better use of guardians ad litem, custody evaluations by mental health professionals, home studies, and mediation for custody/visitation issues.)

2. The Court's guideline for paying for these services is that the cost will be apportioned according to Line 2 of the most recent child support worksheet. However, in no case will either party be ordered to pay more than 75% of the cost.

EXHIBIT C

DUBOIS CIRCUIT COURT
DUBOIS SUPERIOR COURT
LOCAL RULE – COURT REPORTER SERVICES

The undersigned courts comprise all of the courts of record of Dubois County, Indiana, and hereby adopt the following local rule by which court reporter services shall be governed:

Section One – Definitions:

The following definitions shall apply under this local rule:

(1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court, including preparing a transcript of the record.

(2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording, storing, and transcribing electronic data.

(3) Work Space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rules of Appellate Procedure.

(5) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rules of Trial Procedure 74.

(6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week.

(7) Gap hours worked means those hours worked that are in excess of the regular hours worked, but hours not in excess of forty (40) hours per work week.

(8) Overtime hours worked means those worked in excess of forty (40) hours per work week.

(9) Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e., Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Dubois County.

(11) County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(12) State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two – Salaries and Per Page Fees:

(1) Court Reports shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e., monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee for a court reporter for the preparation of a county indigent transcript shall be \$3.00 per page. However, if the transcript is prepared for appeal purposes, the maximum per page fee shall be \$3.50. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

(3) The maximum per page fee for a court reporter for the preparation of a state indigent transcript shall be \$3.00 per page. However, if the transcript is to be prepared for appeal purposes, the maximum per page fee shall be \$3.50.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$3.00 per page. However, if the transcript is to be prepared for appeal purposes, the maximum per page fee shall be \$3.50.

(5) An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent in binding a transcript and exhibit binders for appeal purposes.

(6) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

Section Three – Private Practice:

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into an agreement which must, at the minimum, designate the following:

(a) The reasonable market rate for the use of equipment, work space and supplies;

(b) The method by which records are to be kept for the use of equipment, work space and supplies; and

(c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

ADOPTED at Dubois County, Indiana, this _____ day of January,
2002.

WILLIAM E. WEIKERT
JUDGE, DUBOIS CIRCUIT COURT

HOWARD B. LYTTON, JR.
JUDGE, DUBOIS SUPERIOR COURT